

BOSNIA AND HERZEGOVINA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bosnia and Herzegovina (BiH) is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Federation and the Republika Srpska (RS), as well as the Brcko District, an autonomous administrative unit under BiH sovereignty. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-95 Bosnian war, provides the constitutional framework for governmental structures, while other parts of the agreement specify the government's obligations to protect human rights, such as the right of wartime refugees and displaced persons to return to their prewar homes. The country held general elections in 2014. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted that elections were held in a competitive environment where candidates were able to campaign freely and fundamental freedoms of expression, association, and assembly were respected. The OSCE/ODIHR further noted that elections were efficiently administered, but widespread credible allegations of electoral contestants manipulating the composition of polling station commissions reduced stakeholder confidence in the integrity of the process.

While civilian authorities maintained effective control and coordination over law enforcement agencies and security forces, a lack of clear division of jurisdiction and responsibilities between the country's 16 law enforcement agencies resulted in occasional confusion and overlapping responsibilities.

The most significant human rights issues included harsh and life-threatening prison conditions; restrictions on expression and the press, including intimidation, and threats against journalists and media outlets; widespread government corruption; crimes involving violence against minorities and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Units in both entities and the Brcko District investigated allegations of police abuse, meted out administrative penalties, and referred cases of criminal misconduct to prosecutors. These units generally operated effectively, and there were no reports of impunity during the first nine months of the year.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

While national authorities made significant progress prior to 2016 in the investigation and prosecution of war crimes committed during the 1992-95 conflict, many problems remained, including insufficient funding, lack of personnel, political obstacles, the unavailability of witnesses and suspects, and the closure of cases due to lack of evidence. While the Prosecutor's Office and Court of BiH retained the lead in processing the most serious war crimes, authorities worked to revise criteria for the referral of cases to the entity-level judiciaries to speed processing times. Data from April indicated that the Prosecutor's Office had 779 unresolved cases.

As of September, landmine accidents killed two civilians, while one civilian was injured. According to the country's Mine Action Center, as of August more than 8,630 active minefields (with an estimated 80,000 devices) remained, endangering more than a half million residents. In many cases, the presence of land mines slowed the return of internally displaced persons (IDPs) and the exhumation of mass graves.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices. While there were no reports during the first nine months of the year that government officials employed such tactics, there were no concrete indications that security forces had ended the practice of severely mistreating detainees and prisoners reported in previous years.

In 2016 the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its 2015 visit to detention facilities, prisons, and psychiatric establishments in the country. The report cited a considerable number of allegations of widespread police abuse of detainees in Sarajevo, Trebinje, Banja Luka, Turski Lukavac, and Bijeljina. The reported abuse of detainees included

slaps, punches, truncheon blows, prolonged handcuffing in stress positions, mock executions, and use of a hand-held electro-shock device. The report stated that the CPT delegation gained the impression from multiple detainee interviews in Bijeljina and Sarajevo that mistreatment (kicks, punches, and slaps) was a routine occurrence and almost considered “normal” practice. In some instances, authorities allegedly abused detainees in order to extort confessions. The CPT found that prosecutors and judges routinely failed to take action regarding allegations of mistreatment.

The CPT also noted that it received several credible allegations of inmate physical mistreatment (slaps, kicks, and punches to various parts of the body) by staff at Mostar Prison. In one case, an inmate alleged that, in response to his repeated banging on his cell door, prison officials handcuffed him behind his back with his wrists hyperflexed, ankle-cuffed him with a walking chain, and placed him empty cell for two days without food or the opportunity to use sanitary facilities. The CPT reported that the findings observed by its delegation’s doctor were compatible with the inmate’s allegation.

Prison and Detention Center Conditions

Physical and sanitary conditions in the country’s prisons and detention facilities varied depending on the location but were generally considered substandard and occasionally life threatening.

Physical Conditions: Conditions in Sarajevo Prison were noteworthy due to dilapidated facilities and overcrowding, with as many as four prisoners living in eight square meters (86 square feet) of common living space. Following a February 2016 inspection, the human rights ombudsman described Sarajevo prison conditions as worst in the country and identified 126 detainees in the facility, which has an optimal capacity of 88. Ombudsmen reported that neither prison management nor Federation authorities had addressed their claims to date.

Prison and detention facilities provided adequate basic medical care and routine arrangements for more complex medical interventions as needed. Ventilation and lighting, however, were lacking in many facilities, particularly Sarajevo Prison. There were no prison facilities suitable for prisoners with physical disabilities.

The CPT reported overcrowding at Sarajevo Prison and inter-prisoner violence at Zenica Prison. The CPT also found that remand prisoners spent 22 hours or more a day confined to their cells and were offered no purposeful activities. In

December 2016 authorities opened a newly constructed facility in Sokolac for prisoners from throughout the country determined to be suffering from mental illness at either the time of their offense or during their subsequent incarceration. As a result, authorities transferred prisoners to Sokolac from Zenica Prison, where accommodations for prisoners suffering from mental illness had been described as poor for years.

In 2016 the CPT reported that material conditions in most police holding facilities visited by its delegation were unfit due to lack of natural light, poor ventilation, deplorable hygienic conditions, and an absence of mattresses and bedding. The condition and number of holding facilities at most police agencies generally were well below EU standards.

Administration: According to the 2016 CPT report, authorities throughout the country generally failed to investigate allegations of abuse and mistreatment of detainees and prisoners, particularly those reported to have occurred while in police custody. The human rights ombudsman reported that the most common types of violence among prisoners occurred in the form of extortion, physical and psychological harassment, and intimidation on ethnic and religious grounds.

Independent Monitoring: The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The International Committee of the Red Cross, the CPT, the BiH ombudsmen, and other nongovernmental organizations (NGOs) continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

By law state-level police agencies include the State Investigation and Protection Agency (SIPA), the Border Police, the Foreigners Affairs Service (FAS) (partial police competencies), and the Directorate for Police Bodies Coordination (DPBC). Police agencies in the two entities (the RS Ministry of Interior and the Federation

Police Directorate), the Brcko District, and 10 cantonal interior ministries also exercise police powers. SIPA investigates cases of organized crime, human trafficking, war crimes, financial crimes, and international terrorism and provides protection to witnesses before the BiH State Court. The Border Police are responsible for monitoring the borders and detaining illegal migrants until FAS takes custody. The Border Police also investigate other crimes related to the border in accordance with the state criminal code, with the exception of corruption cases. FAS is responsible for tracking and monitoring legal and illegal migration. The DPBC provides physical security for government and diplomatic buildings and personal protection for state-level officials and visiting dignitaries. The DPBC also has an office for coordination with Interpol for state-level police agencies. The Federation Police Directorate investigates cases of intercantonal crimes, domestic terrorism in the Federation, and narcotics smuggling. The RS Ministry of Interior investigates domestic terrorism and all other general crimes in the RS. Brcko police and cantonal police agencies investigate general crimes and public peace and order. The laws outlining the mandates of respective law enforcement agencies of the state, entity, cantonal and district governments contain significant similarities but do not overlap. The competencies of each police agency are established by law.

An EU military force continued to support the country's government in maintaining a safe and secure environment for the population.

Civilian authorities maintained effective control over security forces, but their complex structure at times resulted in lack of effective coordination and no clear practical division of jurisdictions and responsibilities.

Impunity for war crimes continued to be a problem. Many lower-ranking perpetrators of crimes committed during the 1992-95 conflict remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 8,000 other persons who remained missing and presumed killed during the conflict. Authorities also failed to prosecute more than a very small fraction of the more than 20,000 instances of sexual violence alleged to have occurred during the conflict.

In the course of its 2015 visit to prisons and remand detention centers, the CPT reported interviewing many persons who stated they had complained about mistreatment by law enforcement officials to the prosecutor or to the judge before whom they appeared. Such complaints met with no response. The CPT noted that, even when detainees displayed visible injuries or made a statement alleging

mistreatment, there was usually no apparent follow-up by the prosecutor or judge other than, at times, to order a medical examination that often took place in the presence of the law enforcement officer whom the detainee had accused of mistreatment.

There were reports of police corruption (see section 4). The government has mechanisms to investigate and punish abuse and corruption, but political pressure often prevented the application of these mechanisms. Observers considered police impunity to be widespread, and there were continued reports of corruption within the state and entity security services. There are internal affairs investigative units within all police agencies. Throughout the year, mostly with assistance from the international community, the government provided training to police and security forces designed to combat abuse and corruption and promote respect for human rights.

In 2016 police reported 561 criminal cases of police corruption and made 81 arrests. Most cases of police corruption were commercial in nature, but involving organized crime. For example, in November the former head of the Narcotics Department at the State Investigative and Protection Agency (equivalent to the FBI), Bojan Cvijan, was sentenced to 20 years' imprisonment for organized crime, robbery, murder and conspiracy to commit crime as part of the large-scale "Lutka" (Doll) investigation and prosecution. In 2016 SIPA conducted 10 police anticorruption operations and arrested 36 persons, a decrease from the 13 such operations that were conducted in 2015 and led to the arrest of 61 persons.

Arrest Procedures and Treatment of Detainees

Police generally arrested persons based on court orders and sufficient evidence or in conformity with rules prescribed by law. The law requires authorities to inform detainees of the charges against them immediately upon their arrest and obliges police to bring suspects before a prosecutor within 24 hours of detention (72 hours for terrorism charges). During this period, police may detain individuals for investigative purposes and processing. The prosecutor has an additional 24 hours to release the person or to request a court order extending pretrial detention. The court has a subsequent 24 hours to make a decision. The law limits duration of the interrogation up to six hours. The law also limits pretrial detention to 12 months and trial detention up to three years. There is a functioning bail system and restrictions, such as the confiscation of travel documents, are regularly placed on defendants to ensure their appearance in court.

The law allows detainees to request a lawyer of their own choosing, and if they are unable to afford a lawyer, the authorities are to provide one. The law also requires the presence of a lawyer during the pretrial and trial hearings. Detainees are free to select their lawyer from a list of registered lawyers. In its July 5 report, the CPT noted that, in the vast majority of cases, authorities did not grant detainees access to a lawyer at the outset of their detention. Instead, such access only occurred when the detainee was brought before a prosecutor to give a statement or at the hearing before a judge. It was usually not possible for a detainee to consult with his or her lawyer in private prior to appearing before a prosecutor or judge. Juveniles met by the CPT also alleged that they were interviewed without a lawyer or person of trust present.

e. Denial of Fair Public Trial

The state constitution provides the right to a fair hearing in civil and criminal matters while the entity constitutions provide for an independent judiciary, but political parties and organized crime figures sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases. Authorities at times failed to enforce court decisions.

Trial Procedures

The law provides that defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of the charges against them, with free interpretation if necessary, and the right to a fair and public trial without undue delay. The law provides for the right to counsel at public expense if the prosecutor charges the defendant with a serious crime. Courts did not always appoint defense attorneys where the maximum prison sentence was less than five years. Authorities generally gave defense attorneys adequate time and facilities to prepare their clients defense. The law provides defendants the right to confront witnesses, to a court-appointed interpreter and written translation of all pertinent court documents into a language understood by the defendant, to present witnesses and evidence on their own behalf, and to appeal verdicts. Authorities generally respected most of these rights, which extend to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for individuals and organizations to seek civil remedies for human rights violations and provides for the appeal of decisions to the European Court of Human Rights (ECHR). The government failed to comply with many decisions pertaining to human rights by the country's courts. The court system suffered from large backlogs of cases and the lack of an effective mechanism to enforce court orders. Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. The government's failure to comply with court decisions led plaintiffs to bring cases before the ECHR.

Property Restitution

The four "traditional" religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish) had extensive claims for restitution of property nationalized during and after World War II. In the absence of a state restitution law governing the return of nationalized properties, many government officials used such properties as tools for ethnic and political manipulation. In a few cases, government officials refused to return properties legally recognized as belonging to religious institutions.

The country has no law that covers immovable communal or private property confiscated during the Holocaust era and no law for the restitution of confiscated, heirless property. The absence of legislation has resulted in the return of religious property on an ad hoc basis, subject to the discretion of local authorities. Since 1995 the Jewish community has not received a single confiscated communal property. In 2005 the Council of Ministers established a Commission for Restitution on Bosnia and Herzegovina that led to draft legislation on restitution; no significant progress on that legislation has been made.

BiH officials expressed support for a working group, but had concerns about the process, details on specific issues, how past efforts to address this issue will impact future discussions, how the working group would be initiated, and factors of history. The minister of civil affairs, assistant minister of human rights and refugees, and the minister of justice agreed to participate in the working group.

Roma displaced during the 1992-95 conflict had difficulty repossessing their property because of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:**a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but governmental respect for this right remained poor during the year. Intimidation, harassment, and threats against journalists and media outlets continued with the same intensity as in prior years, while the majority of media coverage was dominated by ethnic and political bias, often encouraging intolerance. Absence of transparency in media ownership remained a problem. In the RS, authorities did not implement a law enacted in 2015 restricting internet speech critical of officials and other individuals.

Freedom of Expression: The country's law provides for freedom of expression, but irregular implementation and application of the law often undermined press freedoms. The law prohibits expression that provokes racial, ethnic, or other forms of intolerance, including "hate speech," but authorities did not enforce these restrictions.

According to BiH Journalists' Association data covering 2006 to 2015, authorities prosecuted approximately 25 percent of reported criminal acts committed against journalists and investigated more than a third of all cases alleging violation of journalists' rights. Under pressure from professional organizations to address criminal acts against journalists, the Council of Ministers in February adopted an action plan to protect the rights of journalists and media professionals. The BiH Journalists' Association subsequently noted increased readiness on the part of law enforcement agencies and prosecutors' offices to address alleged violations of press freedom.

Independent analysts noted the continued tendency of politicians and other leaders to label unwanted criticism as hate speech or treason and to discriminate against media outlets perceived as hostile in their coverage. In one example, in January the Office of the RS President refused to issue credentials to an N1 television crew. Following criticism from the BiH Journalists' Association, the BiH ombudsman,

and the Communications Regulatory Agency (CRA), authorities issued credentials to both N1 and BNTV, a recognized pro-opposition media outlet based in Bijeljina. As of July, the CRA registered one complaint alleging hate speech in the media, although the complaint was later rejected. As of August, the self-regulatory BiH Press Council received 113 complaints related to hate speech and determined that there were 55 cases of incitement and speech spreading hate. Almost all reported instances of hate speech occurred in online media.

Press and Media Freedom: The law prohibiting expression that provokes racial, ethnic, or other forms of intolerance applies to print and broadcast media, the publication of books, and online newspapers and journals but was not enforced. In addition, the BiH constitution, the constitutions of the entities, and the Statute of the Brcko District guarantee freedom of expression; implementation and enforcement of these legal protections remained sporadic. While the country has decriminalized defamation, a large number of cases continued to be brought against journalists, often resulting in extremely high financial fines. Laws delegate responsibility for safeguarding freedom of the press in most instances to the cantons in the Federation and to the entity-level authorities in the RS. While numerous outlets continued to express a wide variety of views, coverage diverged along political and ethnic lines, and media outlets remained subject to excessive influence from government, political parties, and private interest groups. A number of independent media outlets continued to encounter financial problems that endangered their operations.

Authorities continued to exert pressure on media outlets to discourage some forms of expression, and party and governmental control over the major information outlets narrowed the range of opinions represented in both entities. Public broadcasters remained under strong pressure from government and political forces due to a lack of long-term financial stability and their dependence on politically controlled funding sources. These factors limited their independence and resulted in news that was consistently subjective and politically biased.

The main public broadcasters--Radio and Television of Bosnia and Herzegovina (BHRT), Radio and Television of the Republika Srpska (RTRS), and Federation Radio and Television (FTV)--faced continued financial instability due to the loss of dedicated tax revenue. The nationwide public broadcaster BHRT, whose content was considered to be politically neutral, remained on the verge of financial collapse. Institutional instability within the governing structures of FTV also remained unresolved, leaving the Federation's public broadcaster open to political pressure. FTV continued to demonstrate political bias. The RS government

continued directly to control RTRS, using it for promotion of the RS political establishment and to undercut political opposition. After monitoring the public broadcasters' news programs, the CRA found that RTRS reporting on RS authorities never included criticism. On July 17, the CRA fined the RTRS 29,000 marks (\$17,700) for violating provisions requiring fairness and impartiality.

Entity governments and institutions further undercut the independence of their respective broadcasters by excluding the CRA from the process of appointing governing boards for the broadcasters. The various authorities remained subject to competing political interests and failed to establish a public broadcasting service corporation to oversee the operations of all public broadcasters in the country as provided by law.

Violence and Harassment: Intimidation and threats against journalists continued during the year. There were instances of intimidation and politically motivated litigation against journalists for unfavorable reporting on government leaders and authorities. As of July the Free Media Help Line recorded 338 cases involving violations of journalists' rights and freedoms or pressure from government and law enforcement officials. Authorities registered five death threats against journalists during the year.

After publishing a story on June 29 about a boy crying and begging for food at an iftar meal during Ramadan in the RS village of Konjevic Polje, news director Amir Zukic and journalist Adisa Imamovic from CNN-affiliate N1 were subject to serious threats posted on the Facebook page Bosnjaci.net. N1 filed a criminal complaint against Bosnjaci.net, accusing the website of jeopardizing the safety of its journalists by publishing threatening commentary that incited religious and national hatred. Despite the complaint, the threats continued, and legal proceedings over the criminal complaint were ongoing at year's end.

Censorship or Content Restrictions: Multiple political parties and entity-level institutions attempted to influence editorial policies and media content through legal and financial measures. As a result, some media outlets practiced self-censorship.

In some instances, media sources reported that officials threatened outlets with loss of advertising or limited their access to official information. Prevailing practices reflected close connections between major advertisers and political circles and allowed for biased distribution of advertising time. Public companies, most of which were under the control of political parties, remained the key advertisers.

Outlets critical of ruling parties claimed they faced difficulties in obtaining advertising.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that it monitored private online communications without appropriate legal authority. The law prohibits expression of racial, ethnic, or other intolerance, which includes hate speech. Authorities, however, did not enforce these prohibitions for online media.

While access to the internet is not explicitly listed as a legal right, constitutional and legal protections have been interpreted to also apply to the internet. In the RS, the law declares that internet-based social networks are part of the public domain and provides fines for “insulting or disturbing” content, not clearly defined, published on the internet. Independent analysts considered this provision as an attempt to control online activism and social media, noting that the law broadens police authority. RS authorities have not implemented the law, having initially met strong negative reaction from journalists, NGOs, opposition political parties, and the international community. In 2016 the RS Constitutional Court rejected as unfounded an appeal submitted jointly by Transparency International, the BiH Journalists’ Association, and the Banja Luka Club of Journalists that challenged the legality and constitutionality of the law.

Many news portals were not registered and did not list any contact information, making it difficult to respond against them. The vast majority of registered hate speech cases in the country occurred online.

According to the International Telecommunication Union statistics, approximately 69 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

Following municipal elections in October 2016, the cantonal governments in Tuzla and Sarajevo passed laws that could restrict the independence and academic freedom of universities within their jurisdiction by giving elected municipal authorities the right to hire and fire university personnel, including academics, at their discretion. The new laws reflected a trend towards increased ethno-politicized influence in the administration of universities, with effects ranging from

greater corruption in higher education to ethnic and political bias in the university environment.

The country's eight public universities remained segregated along ethnic lines, including their curricula, diplomas, and relevant school activities. Professors reportedly on occasion used prejudicial language in their lectures, while the selection of textbooks and school materials reinforced discrimination and prejudice.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. In the RS, assembly in front of public institutions is prohibited. NGOs reported that RS authorities at times manipulated and controlled the process of granting the right to assembly to civil society groups. In May the Sarajevo Canton Ministry of Transport failed to respond in a timely matter to a lawful permit request submitted by the Sarajevo Open Center for an LGBTI march for human rights in Sarajevo.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. Under the law, NGOs can register at the state, entity, and cantonal levels in a generally streamlined and simple administrative process. Cooperation between the government and civil society organizations at the state and entity levels, however, remained weak, while government support for civil society organizations remained nontransparent, particularly regarding the allocation of funds.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, but some restrictions remained.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance for internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities routinely placed asylum seekers in the immigration detention center without documenting their asylum requests and frequently issued expulsion and detention orders to would-be asylum seekers without giving them an opportunity to present asylum applications. According to UNHCR, authorities held 45 individuals seeking asylum from Azerbaijan, Afghanistan, Poland, Cuba, Turkey, Pakistan, Syria, Iran, Iraq, and Lebanon at the center during the first six months of the year. Information on the right to seek asylum appeared not to be readily available to potential asylum seekers in the detention center. UNHCR expressed concern that foreigners in detention may not have access to asylum procedures and that authorities may prematurely return some potential asylum seekers under readmission agreements before they have been afforded due opportunity to file a claim for asylum.

Internally Displaced Persons (IDPs)

Ministry of Human Rights and Refugees statistics indicated that 98,574 persons still held IDP status resulting from the 1992-95 conflict. The majority of Bosniaks and Croats fled the RS, while Serbs fled the Federation. At the beginning of the year, UNHCR was directly providing protection and/or assistance to 5,344 IDPs. According to UNHCR, an estimated 7,000 persons, including IDPs, continued to live in collective accommodations located throughout the country and meant to be temporary. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

The Dayton Peace Accords provide for the right of persons displaced by the conflict to return to their homes. The country's constitution and laws provide for the voluntary return or local integration of IDPs consistent with the UN Guiding Principles on Internal Displacement.

While physical violence against minority returnees subsided significantly after the war, isolated attacks continued but were generally not investigated or prosecuted

adequately. Minority returnees continued to face obstacles in exercising their rights in places of return.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum (refugee or subsidiary protection status), and the government has established a system for providing protection to refugees. Asylum seekers with pending claims have a right to accommodation at the asylum center until the Ministry of Security makes a final and binding decision on their claims. Asylum seekers have the right to appeal a negative decision. The system for providing protection to refugees seeking asylum continued to suffer from a lack of transparency.

UNHCR reported that applicants for refugee status did not have sufficient legal assistance, that there were no clear standards of proof or methods of assessing the credibility of claims, including country of origin, and that guidelines for determining whether there was a risk of persecution were unduly strict. UNHCR also expressed concern regarding the detention of potential asylum seekers who may be denied access to asylum procedures and returned under readmission agreements.

Safe Country of Origin/Transit: The law provides for the application of the concept of “safe country of origin or safe third country.” Under this provision, authorities may deny asylum to applicants who cannot prove they were unable to return to their country of origin or to any country of transit without risking refoulement.

Durable Solutions: The laws provide a program for integration and return of refugees and displaced persons. The country was party to a regional housing program funded by international donors and facilitated in part by UNHCR and the OSCE to provide durable solutions for up to 74,000 refugees and displaced persons from four countries in the region, including 14,000 of the most vulnerable refugees, returnees, and IDPs from BiH. The process of selecting program beneficiaries was protracted, however, due to capacity and management problems that resulted in extended delays in the reconstruction of homes. Fragmented institutional arrangements added administrative delays to the process, as did the political imperative to select beneficiaries proportionally from among the country’s constituent peoples.

Temporary Protection: The government provided subsidiary protection status to individuals who may not qualify as refugees. In the first six months of the year, authorities provided subsidiary protection to one individual and extended existing protection to three others.

Section 3. Freedom to Participate in the Political Process

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Citizens generally exercised this right, but observers noted a number of shortcomings.

Elections and Political Participation

Recent Elections: General elections held in 2014 were competitive with candidates and political parties freely campaigning and presenting their programs. According to ODIHR, the Central Election Commission (CEC) administered the elections efficiently, but other international observers provided numerous, credible descriptions of political parties manipulating the makeup of the polling station committees, which endangered the integrity of the election process. There were also reports of problems with the counting process due to inadequate knowledge of appropriate procedures among polling station committee members. According to ODIHR, the campaign finance regulatory system was not adequate to assure the transparency, integrity, and accountability of election processes.

There have been no municipal elections in the city of Mostar since 2008 because of the failure of leading Bosniak and Croat politicians to agree on the implementation of a 2010 Constitutional Court decision requiring reform of the election law.

Political Parties and Political Participation: Some leaders of smaller political parties complained that the larger parties enjoyed a virtual monopoly over government ministries, public services, and media outlets, where membership in a dominant party was a prerequisite for advancement.

Participation of Women and Minorities: Although no laws limit the participation of women in the political process, the country's patriarchal culture tended to restrict their participation in political affairs. While the law requires that at least 40 percent of a political party's candidates be women, women held only 19 percent (11 of 57 delegate seats) in the House of Representatives and House of Peoples in the state-level parliament. Women held only two of the nine ministerial positions

in the Council of Ministers, while no women held deputy ministerial seats. In the Federation, women held four out of 16 ministerial seats. In the RS, the prime minister was a woman, and women held three out of 16 ministerial seats.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the “constituent peoples” of the country, as well as undefined “others,” must be adequately represented at all levels. The government did not respect this requirement. Apart from the three constituent peoples, the country’s 16 recognized national minority groups remained significantly underrepresented in government. There were no members of a minority group in the state-level parliament. The government made no effort to implement changes required by ECHR rulings dating back to 2009 that the country’s constitution discriminates against “others,” such as Jews and Roma, by preventing them from running for the presidency and seats in the parliament’s upper house.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively nor prioritize public corruption as a serious problem. Officials frequently engaged in corrupt practices with impunity, and corruption remained prevalent in many political and economic institutions.

Corruption: While the public viewed corruption as endemic in the public sphere, there was little public demand for the prosecution of corrupt officials. The multitude of state, entity, cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, created a system that lacked transparency and provided opportunities for corruption. The multilevel government structure gave corrupt officials multiple opportunities to demand “service fees,” especially in the local government institutions.

Analysts considered the legal framework for prevention of corruption to be satisfactory across almost all levels of government and attributed the absence of high-profile prosecutions to a lack of political will. Many state-level institutions tasked with fighting corruption, such as the Agency for Prevention and Fight against Corruption, had limited authorities and remained under resourced. Prosecutions were also considered generally ineffective and subject to political manipulation, often resulting in suspended sentences in the case of conviction. Authorities reported that in the previous five years, 84 indictments were filed against high-ranking public officials, of whom 38 were found guilty.

According to professors and students, corruption continued at all levels of the higher education system. Professors at a number of universities reported that bribery was common and that they experienced pressure from colleagues and superiors to give higher grades to students with family or political connections. There were credible allegations of corruption in public procurement, public employment, and health-care services.

Financial Disclosure: Candidates for high-level public office, including for parliament at the state and entity levels and for the Council of Ministers and entity government positions, are subject to financial disclosure laws, although observers noted the laws fell short of standards established by the Organization for Economic Cooperation and Development and other international organizations. The CEC is responsible for overseeing compliance with the laws, while the Conflict of Interest Commission receives financial reports and retains records on public officials. Both institutions, however, lacked authority to verify the accuracy of declarations, and it was believed that public officials and their relatives often declared only a fraction of their total assets and liabilities. Authorities generally failed to make financial disclosure declarations public, ostensibly because of conflicts between the laws on financial disclosure and protection of personal information.

Failure to comply with financial disclosure requirements is subject to criminal sanctions. Authorities did not apply sanctions during the first 10 months of the year.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials in both the Federation and the RS attempted at times to limit NGO activities, particularly in the RS. Several NGOs in the RS reported being pressured by local authorities while subject to protracted tax inspections, sometimes lasting as long as six months. NGOs can only be involuntarily dissolved if found in violation of the law.

NGOs reported weak institutionalized cooperation with the government. While the Council of Ministers officially adopted a cooperation agreement with NGOs to increase civil society participation and influence on the legislative process, both sides rarely used it. The Council of Ministers still largely excluded NGOs from

politically important or sensitive decisions. NGOs nevertheless continued to expand cooperation with the government at lower levels.

The most difficult problem for civil society organizations was the lack of adequate funding. Most were dependent on either governmental or international assistance. Local governments generally extended support to NGOs, provided the governing parties did not consider them threats.

The United Nations or Other International Bodies: The RS government was less responsive and cooperative than the state and Federation governments in dealing with the Office of the High Representative created by the Dayton Accords and given special executive powers in the country.

Government Human Rights Bodies: A state-level ombudsman has authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit legally nonbinding recommendations to the government for remedy. Members of the international community noted that the ombudsman lacked the resources to function effectively and had to contend with disagreement between representatives of the country's three constituent peoples over what constitutes a human rights violation. A Bosniak, a Croat, and a Serb shared leadership of the ombudsman institution.

The state-level parliament has a Joint Commission for Human Rights that participated in human rights-related activities with governmental and nongovernmental organizations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The maximum penalty for rape, regardless of gender, including spousal rape, is 15 years in prison. The failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Women victims of rape did not have regular access to free social support and assistance, and continued to confront prejudice and discrimination in their communities and from representatives of public institutions.

While laws in both entities empower authorities to remove the perpetrator from the home, officials rarely, if ever, made use of these provisions. Law enforcement officials were frequently under the mistaken impression that they needed to

concern themselves with where the perpetrator would live. As a result, women in danger were compelled to go to safe houses. NGOs reported that authorities often returned offenders to their family homes less than 24 hours after a violent event. In the Federation, authorities prosecuted domestic violence as a felony, while in the RS it can be reported as felony or misdemeanor. Even when domestic violence resulted in prosecution and conviction, offenders were regularly fined or given suspended sentences, even for repeat offenders.

The country undertook several initiatives to combat rape and domestic violence. In June a Ministry of Human Rights and Refugees report on the prevention and combat of domestic violence noted that more than 2,200 professionals working in administration, police agencies, health care, and social service institutions had received training on gender-based violence. In addition, the BiH Gender Equality Agency has a memorandum of understanding with the country's nine safe houses run by NGOs, which could collectively accommodate up to 200 victims at a time. In the RS, 70 percent of financing for safe houses came from the RS budget, while 30 percent was covered by the budgets of local communities. In the Federation, 30 percent of the financing came from cantonal budgets, while the Federation covered the remaining 70 percent. The financing of safe houses remained a problem throughout the country, especially in the Federation, where the Federation and the cantons failed to honor their obligations to safe houses.

Although police received specialized training in handling cases of domestic violence, NGOs reported widespread reluctance among officers in both entities to break up families by arresting offenders.

Sexual Harassment: The law prohibits sexual harassment, but it was a serious problem. NGOs reported that those who experienced sexual harassment almost never filed complaints with authorities.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men, and authorities generally treated women equally. The law does not explicitly require equal pay for equal work, but it forbids gender discrimination. Women and men generally received equal pay for equal work at government-

owned enterprises but not at all private businesses. NGOs reported little real progress in advancing equality between men and women in the labor market, noting instead widespread discrimination against women in the workplace, including the regular unwarranted dismissal of women because they were pregnant or new mothers. There is no official legal mechanism for the protection of women during maternity leave, and social compensation during leave is unequally regulated in different parts of the country. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for employment of female applicants. Women remained underrepresented in law enforcement agencies.

Gender-biased Sex Selection: The boy-to-girl birth ratio for the country was 107 boys per 100 girls. There were no reports the government took steps to address the imbalance.

Children

Birth Registration: By law, a child born to at least one citizen parent is a citizen regardless of the child's place of birth. A child born on the territory of the country to parents who are unknown or stateless is entitled to citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. The NGO Vasa Prava estimated there were slightly fewer than 49 unregistered children in the country, mainly Roma. UNHCR, with the legal assistance of a domestic NGO, registered the births of children whose parents failed to register them.

Education: Education was free through the secondary level but compulsory only for children of the ages of six through 15.

More than 50 schools across the Federation were segregated by ethnicity and religion. Although a "two schools under one roof" system was instituted following the 1992-95 conflict as a way to bring together returnee communities violently separated by conflict, the system calcified under the divisive and prejudicial administration of leading political parties. These parties controlled school administration through the country's 13 different ministries of education and often enforced education policies based upon patronage and ethnic exclusion. Where students, parents, and teachers choose to resist segregation, they were met frequently with political indifference and sometimes intimidation.

Returnee students throughout the country continued to face barriers in exercising their language rights. For the fourth year in a row, parents of more than 500 Bosniak children in returnee communities throughout the RS continued to boycott public schools in favor of sending their children to alternative schooling financed and organized by the Federation Ministry of Education, with support from the Sarajevo Canton municipal government and the Islamic community. The boycott was based on the refusal of the RS Ministry of Education to approve a group of national subjects (specific courses to which either Bosniak, Serb, and Croat students are entitled, and taught in their constituent language according to their ethnicity) and its insistence instead on formally calling the language children learn in their respective public schools the “language of Bosniak people” instead of the “Bosnian language,” as described in the country’s constitution. In the Federation, Serb students likewise were denied language rights as provided in the Federation constitution, particularly in Canton 10, where authorities prevented the use of Serbian language and textbooks in the Serbian area were not available. Human rights activists noted that many textbooks reinforced stereotypes of the country’s ethnic groups and others missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State and entity officials generally did not act to prevent such discrimination.

Human Rights Watch asserted that ethnic quotas used by the Federation and the RS to allocate civil service jobs disproportionately excluded Roma and other minorities. The quotas were based on the 1991 census, which undercounted these minorities.

Child Abuse: Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. The country’s Agency for Gender Equality estimated that one in five families experienced domestic violence. Municipal centers for social work are responsible for protecting children’s rights but lacked resources and the ability to provide housing for children who fled abuse or who required removal from abusive homes.

Early and Forced Marriage: The legal minimum age for marriage is 18 but may be as young as 16 with parental consent. In certain Romani communities, girls married between the ages of 12 and 14. Children’s rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute arranged marriages involving Romani minors. The government did not have programs specifically designed to reduce the incidence of child marriage.

Sexual Exploitation of Children: The Federation, the RS, and the Brcko District have laws criminalizing sex trafficking, forced labor, and organized human trafficking. The state-level penalty for sexual exploitation of children is imprisonment for up to 20 years under certain aggravating circumstances. At the entity level, penalties range from three to 15 years' imprisonment. Under entity criminal codes, the abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibits sexual acts with a person younger than 18.

Girls were subjected to commercial sexual exploitation, and there were reports that Romani girls as young as 12 endured early and forced marriage and domestic servitude. Children were used in the production of pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were no reports of anti-Semitic violence against members of the Jewish community, which authorities estimated to number fewer than 1,000 persons.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law in both entities and at the state level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. Discrimination in these areas continued, however. The government lacked a uniform legal definition of disabilities, which complicated access to benefits for those that would readily qualify, and normally prioritized support for war veterans.

The laws of both entities require increased accessibility to buildings for persons with disabilities, but authorities rarely enforced the requirement. Human rights NGOs complained that the construction of public buildings without access for persons with disabilities continued. In July 2016 the Federation government

adopted a strategy that established benchmarks for the advancement of the rights of the disabled in areas of health, education, accessibility, professional rehabilitation and employment, social welfare, and culture and sports. The RS had no specific strategy regarding the rights of persons with disabilities.

NGOs complained that the government did not effectively implement laws and programs to help persons with disabilities. A special report by the human rights ombudsman released in December 2016 concluded, however, that significant progress had been made in the previous year towards increased accessibility and integration of the disabled into state-level legislative bodies in the country.

The law enables children with disabilities to attend regular classes when feasible. Due to lack of financial and physical resources, schools often reported that they were unable to accommodate them. Children with disabilities either attended classes using regular curricula in regular schools or attended special schools. Parents of children with significant disabilities reported receiving limited to no financial support from the government, notwithstanding that many of them were unemployed because of the round-the-clock care required for their dependents.

National/Racial/Ethnic Minorities

Members of minorities continued to experience discrimination in employment and education in both the government and private sectors. While the law prohibits discrimination, human rights activists frequently complained that authorities did not adequately enforce the law.

Harassment and discrimination against minorities continued throughout the country, although not as frequently as in previous years. The Interreligious Council of BiH reported, for example, that the number of attacks against religious objects has decreased significantly over the past year.

Violence and acts of intimidation against ethnic minorities at times focused on symbols and buildings of that minority's predominant religion. For more information, see the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

Roma experienced discrimination in access to housing, health care, education, and employment opportunities, and almost 99 percent of them remained unemployed. A significant percentage were homeless or without water or electricity in their homes. Many dwellings were overcrowded, and residents lacked proof of property

ownership. Approximately three-fourths lived in openly segregated neighborhoods.

Authorities frequently discriminated against Roma, which contributed to their exclusion by society. Many human rights NGOs criticized law enforcement and government authorities for widespread indifference toward Romani victims of domestic violence and human trafficking, even though the majority of registered trafficking victims in recent years were Roma.

The country has an established legal framework for protection of minorities. State and entity-level parliaments had national minority councils that met on a regular basis but generally lacked resources and political influence on decision-making processes.

On July 19, the Council of Ministers adopted a 2017-20 action plan to improve employment, housing, and health care for the Romani population that included approximately 24.2 million marks (\$14.8 million) in budgetary allocations.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While law at the state level prohibits discrimination based on sexual orientation, authorities did not fully enforce it. Both entities and the Brcko District have laws that criminalize any form of hate crime committed on the basis of the gender, sexual orientation, or gender identity of the victim.

LGBTI persons faced frequent harassment and discrimination, including termination of employment. Local advocacy NGOs reported increasing levels of documented domestic and peer violence committed against LGBTI individuals during the year. NGOs also reported that schools have become increasingly hostile environments, where LGBTI persons regularly experienced harassment and violence. In some cases, dismissal letters from work explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for those dismissed to find another job. In the face of such risks, LGBTI persons rarely reported discrimination to police.

The prosecution of assault and other crimes committed against members of the LGBTI community remained delayed and generally inadequate. In the first four months of the year, the Sarajevo Open Center registered five cases of domestic violence perpetrated by immediate family members as well as threats, blackmail, ,

physical assaults, and forced medical treatment. In March the Sarajevo University Student Senate condemned a homophobic speech delivered by the former president of the Student Parliament in March 2016.

HIV and AIDS Social Stigma

Significant social stigma and employment discrimination against persons with HIV/AIDS remained among members of the public as well as health workers. A Sarajevo-based NGO reported that infected persons experienced the greatest stigma and discrimination when seeking dental treatment.

Other Societal Violence or Discrimination

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including religious buildings. According to the Interreligious Council, an NGO that promotes dialogue among the four “traditional” religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish), attacks against religious symbols, clerics, and property significantly decreased in the first eight months of the year, compared with the same period in 2016.

Promotion of Acts of Discrimination

There were widespread instances of media coverage and public discourse designed to portray members of other ethnic groups in negative terms, usually in connection with the 1992-95 conflict. During the year the RS president and senior officials in his political party as well as other officials and leaders in the RS repeatedly denied that Serb forces committed genocide at Srebrenica in 1995, despite the opposite findings of multiple local and international courts.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Federation and the RS labor laws provide for the right of workers in both entities to form and join independent unions, bargain collectively, and conduct legal strikes. Employers in the private sector did not always respect these rights. The law prohibits antiunion discrimination but does not provide adequately for enforcement of these protections. The labor inspectorates and courts did not deal effectively with employees’ complaints of antiunion discrimination. The law

prescribes reinstatement of dismissed workers in cases where there is evidence of discrimination, whether for union activity or other reasons. Entity-level laws in the Federation and the RS prohibit the firing of union leaders without prior approval of their respective labor ministries.

The law in both entities and in the Brcko District provides for the right to strike. The law in the Federation contains burdensome requirements for workers who wish to conduct a strike. Trade unions may not officially announce a strike without first reaching an agreement with the employer on which “essential” personnel would remain at work. Authorities may declare the strike illegal if no agreement is reached. This provision effectively allowed employers to prevent strikes. Laws governing the registration of unions give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy.

In 2015 the Federation adopted a new labor law. Trade unions, employers, and the government subsequently spent a long time negotiating new collective bargaining agreements to regulate such matters as minimum wages and various allowances. The negotiations resulted in the dismissal of numerous nontax allowances granted to employees in the public sector and inherited from the communist era. In 2016 the RS also passed a new labor law. Negotiations continued between unions, employers, and the government on new collective bargaining agreements to regulate the minimum wage, wage increases based on experience, and other benefits and nontaxable allowances.

The government did not effectively enforce all applicable laws. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspections related to worker rights were limited. Ministry inspectors gave low priority to violations of worker rights; state officials focused instead on bolstering revenues by cracking down on unregistered employees and employers who did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and in some cases fired union leaders for their activities. Entity-level penalties for violations included monetary fines that were not sufficient to deter violations. Judicial procedures were subject to lengthy delays and appeals.

Authorities and employers generally respect freedom of association and the right to collective bargaining. The governments and organizations of employers and workers in both entities negotiated general collective agreements establishing

conditions of work, including in particular private employers. It was not confirmed that all employers recognized these agreements. Trade union representatives alleged that antiunion discrimination was widespread in all districts.

b. Prohibition of Forced or Compulsory Labor

Adequate legislation exists at the state level and in the RS and the Brcko District for forced or compulsory labor. Federation laws, however, do not criminalize all forced labor activities. The government did not enforce these laws effectively, but there was little verified evidence that forced labor occurred in the country. Penalties for violations range from three to 10 years in prison and were generally sufficient to deter violations, but resources, inspections, and remediation were inadequate.

The prosecution of 13 BiH nationals for collusion in forced labor involving 672 victims of forced labor in Azerbaijan in 2015 continued in BiH court. There were reports that individuals and organized crime syndicates trafficked men, women, and children for begging and forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. RS and Brcko District laws penalize employers for hiring persons younger than 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night or performing hazardous labor, although forced begging is not considered a hazardous task for all entities and the Federation's labor code does not define hazardous labor. Entity governments are responsible for enforcing child labor laws, and both entities and the Brcko District enforced them. Boys and girls were subjected to forced begging and involuntary domestic servitude in forced marriages. Sometimes forced begging was linked to other forms of human trafficking. In the case of Romani children, family members or organized criminal groups were responsible for both subjecting girls and boys to forced begging and domestic servitude in forced marriages. Several of the worst forms of child labor occurring in the country included the use of children for illicit activities, commercial sexual exploitation of

children, and the use of children for the production of pornography (see section 6, Children).

During the year the government did not receive reports of child labor at places of employment. Neither entity had inspectors dedicated to child labor inspections; authorities investigated violations of child labor laws as part of a general labor inspection. Labor inspectors trained to recognize child labor believed that they did not discover any child labor cases because of overall high unemployment rate of 40 percent in BiH. The labor inspectorates of both entities reported that they found no violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor because there were no reported cases. The general perception among officials and civil society was that exploitation of child labor was rare. RS law imposes fines for employing children younger than 16, but the law does not specify the exact monetary amount. Penalties were usually sufficient to deter violations.

During 2016 NGOs running day centers in Banja Luka, Tuzla, Mostar, Bijeljina, Bihac, and Sarajevo in cooperation with the country's antitrafficking coordinator provided services to at-risk children, many of whom were involved in forced begging on the streets.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination based on race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status, other communicable diseases, social status, religion, and national origin. The government generally enforced these laws and regulations effectively.

Discrimination in employment and occupation occurred with respect to race, gender, disability, language, ethnicity, sexual orientation and gender identity, HIV-positive status, and social status (see section 6).

e. Acceptable Conditions of Work

The monthly minimum wage in the Federation is less than the official poverty income level. In the RS, the monthly minimum wage is also less than the official

poverty income level. Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds.

The legal workweek in both entities and the Brcko District is 40 hours, although seasonal workers may work up to 60 hours. The law limits overtime to 10 hours per week in both entities. An employee in the RS may legally volunteer for an additional 10 hours of overtime in exceptional circumstances. The Federation has no provision for premium pay, while the RS requires a 30 percent premium. Laws in both entities require a minimum rest period of 30 minutes during the workday.

Employers in each entity and the Brcko District must provide a minimum of nine paid annual holidays. Employees may choose which holidays to observe depending on ethnic or religious affiliation. Entity labor laws prohibit excessive compulsory overtime. The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for enforcement of labor laws in the formal economy. Authorities in the two entities and the Brcko District did not adequately enforce labor regulations. The penalties for wage and safety violations were generally sufficient to deter violations.

The Federation and the RS set mandatory occupational health and safety standards, especially for those industry sectors where working conditions were hazardous. Worker rights extended to all official (i.e., registered) workers, including migrant and temporary workers.

Governments in both entities made only limited efforts to improve occupational safety and health at government-owned coal mines; such efforts were inadequate for the safety and security of workers. Workers in certain industries, particularly metal and steel processing and coal mining, often worked in hazardous conditions. A collapse at the Zenica coal mine in January resulted in two injuries to coalmine workers. There were no official social protections for workers in the informal economy.

Workers could not remove themselves from situations that endanger their health or safety without jeopardizing their employment. Authorities provided no protection to employees in this situation.